

Appln. No.: 09/539,815  
Amendment Dated November 20, 2003  
Reply to Office Action of February 20, 2004

MATP-587US

**Remarks/Arguments:**

Claims 1-10 are pending in the above-identified application.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura et al. This ground for rejection is overcome by the amendments to claims 1 and 5. In particular, Nakamura et al. does not disclose or suggest, "recording the video and audio PES packets on a disk wherein the video PES packets are recorded separately from the audio PES packets," as required by amended claim 1, or "a disk drive onto which the audio and video PES packets are separately recorded," as required by amended claim 5. Basis for these amendments may be found at page 6, line 31 through page 7, line 20. No new matter has been added.

Nakamura et al. concerns a method for encoding and recording video and audio data and for fetching and decoding the recorded data to reproduce the combined video and audio program. Nakamura et al., however, do not disclose or suggest separately recording the audio and video PES packets. To the contrary, Nakamura et al. disclose only recording the information together. At column 28, line 48 through column 29, line 4, Nakamura et al. teach combining the audio, video and sub-picture data streams (St27, St29 and St31) into a "multimedia bit stream" which is stored as video objects (VOBs) on the disk. This multimedia bit stream is then retrieved and decoded.

This feature of the claim provides the subject invention with an advantage over the system disclosed by Nakamura et al. because, by recording the audio and video streams separately, the subject invention can continue to play the audio stream, uninterrupted, when there is a soft error in the video stream. Using this feature, the system according to the present invention can use relatively inexpensive disk drives, which may have more soft errors, but still reproduce the combined audio and video program without significant disruptions. Because Nakamura et al. record only a "multimedia bit stream" they can not avoid a disruption if there is a soft error when reading the bit stream.

Because Nakamura et al. do not disclose or suggest these limitations of claims 1 and 5, claims 1 and 5 are not subject to rejection under 35 U.S.C. § 102(b) in view of Nakamura et al.

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Claims 2, 3 and 6 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Nakamura et al. and Tamura et al. Nakamura et al. is described above. Tamura et al concerns an audio reproduction system and, so, can not disclose or suggest separately recording the audio and video PES packets, as required by amended claims 1 and 5 from which claims 2, 3 and 6 variously depend. Accordingly, because Tamura et al. does not provide the material that is missing from Nakamura et al., claims 1 and 5 can not be obvious in view of Nakamura et al. and Tamura et al. and, thus, claims 2, 3 and 6 are not subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al. and Tamura et al.

Claim 7 was rejected as being obvious in view of Nakamura et al., Tamura et al. and Fujita. Nakamura et al. and Tamura et al. are described above. Fujita concerns a recording medium and system that records video objects in a manner similar to that disclosed by Nakamura et al. In particular, Fujita discloses recording both audio and video information together as a video object unit (VOBU). (See Fig. 6 and column 11, line 57 through column 12, line 21). Thus, Fujita does not disclose or suggest separately recording audio and video PES packets as required by amended claim 5.

Because neither Nakamura et al., Tamura et al., Fujita nor their combination disclose or suggest this feature of claim 5, claim 5 can not be obvious in view of Nakamura et al., Tamura et al., and Fujita and, thus, claim 7, which depends from claim 5 can not be subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al., Tamura et al. and Fujita.

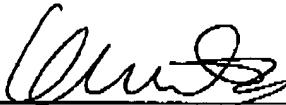
Applicants gratefully acknowledge the indication in the Office Action that claims 4 and 8-10 would be allowed if amended to include the limitations of their base claims and any intervening claims. Because, as set forth above, claims 1, 2, 5 and 6 are not subject to rejection, however, claims 4 and 8-10 are in condition for allowance.

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In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-3 and 5-7.

Respectfully submitted,

  
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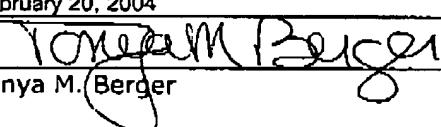
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